



5 Things to Know for February 9, 2023

Dear Thomas,

We had a good turnout for WACD's Legislative Day on February 8th and feedback tells us it was a worthwhile, successful day of visiting legislators. Thank you to all who participated, no matter where you were.

On February 7th, WACD Executive Director Tom Salzer testified on two bills: House Bill 1567 on conservation district elections and House Bill 1720 about a riparian grant program. His reflections on conservation district elections — along with some peering into his crystal ball — are presented in the Executive Corner below today's Five Things to Know.

Five Things to Know

1 – WACD Legislative Day

Thank you to the 20 conservation districts who came to Olympia in person or virtually yesterday. Several districts shared with WACD how their meetings with a legislator generated an immediate positive impact, from new funding opportunities for district projects to increasing legislators' awareness on bills being heard in committee this week.

We were glad to see some friendly faces during the legislative session and appreciate those of you who took a day away from your work to participate in the legislative process. We expect to see the impact of your conversations throughout the remainder of the session, and hope districts will be able to feel the impact when the final state budgets are signed.

2 – Voluntary Riparian Grant Program Bill Hearing

Executive Director Tom Salzer testified at Tuesday morning's hearing of HB 1720 in the House Committee on Agriculture and Natural Resources. You can view his testimony by following [this link to TVW](#). We also put a copy of [his remarks](#) on the WACD Hub. If you can, please watch the

first few testifiers explain the collaboration on this bill between agricultural and tribal entities.

3 – CD Elections Study Bill Hearing

Executive Director Tom Salzer testified again on Tuesday, at the public hearing of HB 1567 in the House State Government and Tribal Relations Committee. You can view his testimony by following [this link to TVW](#). We also put a copy of [his remarks](#) on the WACD Hub. The bill is expected to be voted out of committee Friday morning, February 10th.

4 – Volunteers needed for Shared Resources Work Group

Resolution 2022-08, sponsored by the Clark Conservation District, was adopted at the 2022 WACD annual business meeting. The goal of this resolution is to address the need and opportunity for sharing district resources and services, with a report due to WACD membership by June 30th of this year. You can read the full language on the WACD Hub, where all the active resolutions are available [here](#).

The WACD Board authorized the formation of a temporary work group at its meeting in January. We are looking for volunteers to help with this. If you are interested, please contact Ryan and Tom at oly@wacd.org. (This email address, by the way, is a convenience address that reflects incoming emails into both Ryan's and Tom's inboxes.)

5 – NACD Annual Conference Send Off

Good luck to the many members of our community attending the NACD Annual Conference in New Orleans starting this weekend. Approximately 20 Washingtonians are headed to the [Big Easy](#) to present on their district's successes, learn about other state and territorial CD programs, and advocate for the resolutions adopted at WACD's Annual Meeting in December. The Washington contingent will also say thank you to [NACD President Michael Crowder](#) of Benton CD as he closes his term as President and will welcome [NACD President-Elect Kim LeFleur](#) as she takes over as NACD President.

More things...

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Executive Corner

Conservation district election takeaways and predictions

WACD Executive Director Tom Salzer testified this week in the public hearing on House Bill 1567 on conservation district elections. HB 1567 would commission a study of conservation district elections, including the cost of electing district supervisors in a general election.

WACD does not object to a study but we did suggest that since conservation districts are not the only special purpose district that elects board members outside of RCW 29A general election law, it would be better to look at special purpose district elections in general. WACD also reiterated the four recommendations of the [Joint Committee on Elections](#) that were adopted by WACD's members and by the Conservation Commission.

Takeaway #1: WACD continues to work to advance the recommendations of the JCE.

It became clear in the hearing that some folks in the room felt that HB 1567 being passed out of committee was a [fait accompli](#). All but one of the House Committee on State Government and Tribal Relations is new this year, and the one member who is not new is the one who proposed to replace our "good" election bill last year with the "bad" version in which all conservation district supervisor elections would be on the general ballot. From what we observed, her desire to move in that direction has not waned.

WACD continues to lobby committee members, most of whom have no idea of the history behind conservation district election reform or the nature of a special purpose district.

Takeaway #2: Our work to advance conservation district election reform that works for our community is not over.

Tom was surprised with the level of misinformation that was presented as fact in the hearing. The committee chair misstated some key concepts and asked legislative staff if he was correct, and staff said yes. Some people who testified made blanket statements about conservation district elections generally being more affordable if they were run in RCW 29A general elections, but they spoke from their perspective which was limited mainly to a single district.

Takeaway #3: We have work to do to educate committee members and other legislators on conservation district election requirements and processes.

Now for an even more disturbing idea. After talking with a few folks who are very knowledgeable about legislative processes, Tom has concluded that even if the bill does not pass out of committee, a study of conservation district elections is likely to happen anyway through proviso funding. While our conservation community can work to modify the bill language, if a study is all that is desired by the prime sponsor at this time, she can make that happen because she is also a vice chair on the House Committee on Appropriations. We have virtually no recourse when it comes to provisos.

HB 1567 is on tomorrow morning's draft agenda for an Executive Session committee. (Executive Session in the context of a legislative committee is the actual action step. It is not the same as an executive session in a conservation district board meeting.) We may see this strategy begin to unfold as early as tomorrow morning.

Takeaway #4: It is probably safest to assume there will be a study of conservation district elections.

Pressures on conservation district elections

Let me shift gears and talk about a longer view on this topic. Please ask yourself where you think this issue will be in 10 or 20 years. Will the current system of electing and appointing conservation district board members be the same as it is now or will it be different?

I conclude that it will probably be different. There are pressures on the current system that appear to be more long-lasting than one-legislative-session ideas. Those pressures include:

- **A belief that all citizens should vote in all elections.** We see that with the sheer number of election and voter bills moving in the House and Senate this year. The word "election" is included in 83 House bills and 86 Senate bills. The word "voter" is in 36 House bills and 37 Senate bills. "Voting" is in 58 House bills and 61 Senate bills.
- **Recognition that land ownership was not always available.** Land ownership as a requirement to be a board member or to vote is seen as a systemic practice that historically discriminated against those who faced more barriers to land ownership than others. Thus, the "haves" enjoyed more rights and privileges than did the "have nots." This surfaces in present-day conversations about equity and inclusion.
- **A belief that the only valid elections are those run by trained county auditors.** We have heard this stated in testimony. It has been said or implied in other conversations with some auditors and other election representatives.
- **The continued belief that all public entities should pay a proportionate share of election costs, even if those entities have no taxing authority.** So far, our concerns about the impact of election costs have not been influential in addressing this issue. In the striker bill last year, it was even stated that those entities that could not afford to have governing board members elected in RCW 29A elections would have to dissolve.
- **The position that all five conservation district board members should be elected.** We continue to hear this stated. WACD's position is that the Conservation Commission's appointment of two of the five board members in every district creates a vital connection between State priorities and local policymakers.

Conservation districts are seen as special

Right now, conservation districts are part of a very small group of special purpose districts where board members are not appointed by the county legislative authority or not elected in an RCW 29A general election process. While we are not alone in the pressures outlined above, we are a bit special when compared to the array of special purpose districts. I am guessing that in the minds of some legislators, if general election law is good for most special purpose districts, it should be good for all special purpose districts.

While WACD continues to stand up for the work done by the Joint Committee on Elections, some folks on the other side of this issue snicker and scheme. Sometimes when we make our case about special purpose districts being formed to address special issues, eyes roll. Sometimes when we talk about 80 years of conservation district election history in which voters have been able to participate if they chose to, heads shake. Sometimes when we talk about taking dollars away from implementing conservation practices to pay for elections, the feeling reflected back to us is that this is the cost of being a public entity. Sometimes when we

speak of the need for the State to have direct connections at the local level, we hear rhetoric about how undemocratic this process is. Most legislators are sympathetic to conservation district issues so we know these "sometimes" moments don't reflect the prevailing opinion in the Legislature, but these things happen often enough to cause us to be concerned.

In short, conservation district elections are going to face seemingly insurmountable pressures to change. The fundamental choice our community has discussed is: do we let others change our system to what they want, or do we fight for what we want? However, there is still a political reality we need to grapple with and it involves compromise. If we hope to get beyond this divisive issue without incurring permanent damage to the reputation of, and confidence in, conservation districts, both sides are going to have to find some middle ground.

What I see in my crystal ball

I'm going to step way out on a limb and make some predictions about conservation district elections. This is my view of what that middle-ground scenario could look like. When I try to peer 10 or 20 years down the road, I see a system that is somewhat different than how conservation district board supervisors are elected today.

In a decade or two, I think it is likely we will still have a system in which some board members are elected and some are appointed. One major difference I predict is those three elected positions may be elected during general elections in November. (And this may be true for only some conservation districts, not all.) If only three board members are elected to serve four-year terms, the proportionate cost of electing a board member is a tiny fraction of the total cost of elections run by a county auditor. Many counties want a little more say in conservation district policies and programs so it makes sense to conclude that in that scenario, counties may be persuaded to cover the cost of electing those three conservation district board members.

The *quid pro quo* for counties covering election costs, though, may well be that the two appointed positions get split between the Conservation Commission and the county legislative authority, or perhaps the county appoints both of those positions. I think it is important to preserve the vital role of the Commission in appointing conservation district supervisors. I also believe that creating some linkage with the county legislative authority in which the county's interests can be represented on the district board makes sound political, governmental, and operational sense.

I know there is fear surrounding these ideas. Some of our conservation district community members fear that board members will change if supervisors are elected in the general election. That is certainly true, but it is just as true that this outcome is not a certainty in all supervisor elections. In my nine years in the Oregon Soil and Water Conservation District system in which boards of five and seven members were all elected on the general ballot, I did not see much difference in the kind of people on Oregon SWCD boards compared to Washington CD boards. There were *individual* differences in board members, but the system as a whole resulted in boards that looked and operated much the same as our Washington CD boards.

If these predictions come to pass, one outcome is that conservation district staff would spend far less time on elections. Another outcome may be counties will feel more closely aligned with the great work being done by conservation districts.

Changes like these would help preserve and strengthen the reputation and roles of conservation districts, making them more visible and indispensable in the ongoing fight to use natural resources wisely today and conserve the quality and quantity of natural resources for future generations.

In conclusion

If you find merit in some of my arguments and predictions above, you might wonder what we should be doing now. Should we be fighting the good fight against change, or should we be taking a longer view and working toward outcomes that seem inescapable? I know what my marching orders are because WACD's members have spoken. We are fighting the good fight. But I wonder if we, as a community, have paused long enough to step outside our own bubble to consider how we are viewed within the panoply of government entities and how we can best work to protect the future of conservation districts in all of our local communities. We are at a major inflection point and the choices we make now will likely have impacts for decades to come.

WACD Executive Office staff remain available for your feedback and questions. Despite this very busy season for us, please do reach out to us at olj@wacd.org and we will get back to you as quickly as we can.

Always yours for conservation,

Tom Salzer, Executive Director

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- [WACD Testimony on HB 1720 on Riparian Areas](#)
- [Week 4 General Legislative Review](#)
- [Legislators Don't Have Fangs](#)
- [Plant Materials Center update: February 2, 2023](#)
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